

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**FUNDAMENTAL INNOVATION SYSTEMS
INTERNATIONAL LLC,**

Plaintiff,

v.

TOYOTA MOTOR CORPORATION, et al.,

Defendants.

Civil Action No. 2:21-cv-281-JRG

**JOINT MOTION FOR EXTENSION OF TIME FOR TOYOTA DEFENDANTS
TO RESPOND TO COMPLAINT AND WAIVER OF FOREIGN SERVICE**

Defendants Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Engineering & Manufacturing North America, Inc., and Toyota Motor Sales USA, Inc. (collectively, “Toyota Defendants”), together with Fundamental Innovation Systems International LLC (“Plaintiff”), jointly move the Court to extend the time within which the Toyota Defendants are required to move, answer or otherwise respond to Plaintiff’s Complaint. In support of the Motion, the Parties state as follows:

1. On July 26, 2021, Plaintiff filed its Complaint alleging patent infringement against the Toyota Defendants.

2. On July 27, 2021, Defendants Toyota Motor North America, Inc., Toyota Motor Engineering & Manufacturing North America, Inc., and Toyota Motor Sales USA, Inc. were served with Plaintiff’s Complaint. (Dkt. Nos. 6-8). With Plaintiffs’ agreement, these three Toyota Defendants requested and were granted a 30-day extension of time, until September 16, 2021, to respond to the Complaint. (Dkt. No. 11).

3. Defendant Toyota Motor Corporation, headquartered in Aichi, Japan, has not yet been served.

4. Counsel for the Toyota Defendants has offered, and Plaintiff has agreed, to waive service under the Hague Convention for Defendant Toyota Motor Corporation, a foreign entity, in exchange for an extension of time for all four Toyota Defendants to answer or otherwise plead by November 15, 2021. This will conserve the resources of the Court and parties by allowing all four Toyota Defendants to respond to the Complaint at the same time and to avoid the requirements of foreign service on Defendant Toyota Motor Company.

5. The Parties agree that the Toyota Defendants expressly reserve all rights and defenses, including, for instance, Toyota's right to file counterclaims, affirmative defenses, or to otherwise challenge the validity of the subject patents.

WHEREFORE, the Parties respectfully request that the Court extend the time in which the four Toyota Defendants are required to move, answer, or otherwise respond to Plaintiff's Complaint for Patent Infringement up to and including November 15, 2021.

Dated: August 20, 2021

Respectfully Submitted

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CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2021, I electronically filed the foregoing UNOPPOSED MOTION FOR EXTENSION OF TIME TO ANSWER, MOVE, OR OTHERWISE RESPOND TO COMPLAINT AND WAIVER OF FOREIGN SERVICE REQUIREMENT, with the Clerk of the Court for the Eastern District of Texas using the ECF System which will send notification to the registered participants of the ECF System as listed on the Court's Notice of Electronic Filing.

/s/ Steven J. Routh